

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CASE NO. 04-30158-MAP

Bankruptcy Case No. 03-40074-HJB

IN RE: MARK BENNETT AND ANGELA BENNETT,
Debtors

MARK BENNETT AND ANGELA BENNETT,

Appellant

v.

RICHARD KING, ASSISTANT UNITED STATES TRUSTEE; AND
DENISE M. PAPPALARDO, CHAPTER 13 TRUSTEE

Appellee

BRIEF OF APPELLEE, DENISE PAPPALARDO, CHAPTER 13 TRUSTEE

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I. STATEMENT OF ISSUE

Whether the bankruptcy court's order of July 8, 2004 denying the late filing of an appeal was an abuse of discretion given that the late filing was not caused by excusable neglect.

II. STANDARD OF REVIEW

Whereas, the lower court's decision is reviewed for abuse of discretion, the appellate court reviews the facts underlying the decision under a "clearly erroneous" standard. Fed. Rules Bankr. Pro. 8013. *See also, In re Ortiz*, 200 B.R. 485, 489, (D. Puerto Rico 1996). A bankruptcy court abuses its discretion if it bases its decision on an erroneous view of law or clearly erroneous factual findings. *Cooter & Gell v. Hatmarx Corp.*, 496 U.S. 384 (1990). To determine that the Bankruptcy Court abused its discretion, this Court must find that the lower court "committed a clear error of judgment in the conclusion it reached based on all the appropriate factors." *In re Williams*, 224 B.R. 523, 529 (B.A.P. 2nd Cir. 1998). The clearly erroneous standard requires the Court to give great deference to the bankruptcy court. *Ortiz*, at 489. Legal conclusions are reviewed *de novo*. *Edmonston v. Murphy (In re Edmonston)*, 107 F.3d 74, 75(1st Cir. 1997).

III. STATEMENT OF THE CASE AND FACTS

On January 6, 2003, Mark Bennett and Angela Bennett (the "Debtor") filed a bankruptcy petition pursuant to Chapter 13 of Title 11 of the United States Code (the "Code").¹ The Debtor was represented by Attorney Francis Lafayette.

On or about June 24, 2003, the bankruptcy court issued a case management order (the

¹Trustee's Appendix, No. 1, Docket No. 1.

“Case Management Order”)² ordering Attorney Lafayette to show cause (1) why he should not file fee applications in all pending cases in which he serves as counsel to the debtor in which fees are unpaid and (2) why, until further order of the court, he should not be required to deposit fees received from Chapter 13 or 7 debtors in the District of Massachusetts in his client trust account and not disburse the funds until approval of his fees.³ In issuing the Case Management Order, the bankruptcy court took judicial notice that a pattern had arisen whereby Attorney Lafayette failed to adequately represent his clients.⁴

On July 22, 2003, an evidentiary hearing was conducted on the Case Management Order. At that time, Attorney Lafayette presented evidence that the lapses in his representation were due

²Trustee’s Appendix, No. 2.

³The court may allow reasonable compensation to counsel for a debtor based on the benefit and necessity of such services 11 U.S.C. § 330(a)(4)(B). “Unless otherwise ordered by the court, if debtor’s counsel’s total compensation prior to confirmation of a plan is \$2,500.00 or less ...[or]...compensation for post confirmation services [is] in an amount not exceeding \$500...the filing of an itemized fee application shall be excused.” MLBR 13-7(b).

⁴ The Case Management Order was issued in the following cases: *In re Joseph LaFrance*, Case No. 02-42450-HJB-there were inaccuracies regarding time entries on Attorney Lafayette’s fee application; *In re Marta Oyola*, Case No. 02-45398-HJB-Attorney Lafayette filed a Schedule “C” and an Amended Schedule “C” in which he claimed an exemption in assets in excess of that permitted; *In re Hector Rolon*, Case No. 02-45994-HJB-Attorney Lafayette filed a Chapter 7 case for the debtor even though he had recently received a Chapter 7 discharge and could not obtain another Chapter 7 discharge, he filed inaccurate schedules, and filed schedules late; and *In re Stefan Davis*, Case No. 03-40199-HJB-there were errors in the bankruptcy schedules and plan. In the following cases, the bankruptcy court ordered Attorney Lafayette to file fee applications: *In re Kathleen Daigneault*, Case No. 02-46689-HJB-Attorney Lafayette failed to amend an unconfirmable Chapter 13 plan and missed two deadlines in the case; and *In re Peter Caci*, Case No. 02-47249-HJB-Attorney Lafayette failed to disclose to the debtors that an expert retained by Attorney Lafayette was not in fact qualified, failed to advise the debtors that Attorney Lafayette represented the expert in his own Chapter 13 bankruptcy, undertook to represent both the expert and the debtors in a contest regarding fees, and failed to timely file a motion to sell real estate. In the *Bennett* case, there were errors in the bankruptcy schedules and plan. Trustee’s Appendix No. 3, pp. 38-40.

to computer software problems, his chronic illnesses and his staff's temporary illnesses.⁵ With respect to the evidence presented by Attorney Lafayette

The Court finds it hard to believe, and does not believe, that most (if any) of the various errors described in each of the above referenced cases are the result of the various excuses proffered by Attorney Lafayette. But even if the excuses are true, they are not sufficient to overlook the sloppy, careless and unprofessional actions taken by Attorney Lafayette in each of the referenced cases. Clients come to attorneys for a service. Where the service is not provided, or provided poorly, they should not be required to pay for the service, regardless of the validity of the excuse offered.⁶

On June 10, 2004, the Court ordered, in part, that Attorney Lafayette disgorge fees,⁷ file fee applications in those cases in which there is unpaid compensation, and file fee applications in all future bankruptcy cases (the "June 10, 2004 Order").⁸

On June 24, 2004, Attorney Lafayette filed a Notice of Appeal of the June 10, 2004 Order (the "First Notice of Appeal").⁹ On June 29, 2004, the bankruptcy court dismissed the appeal as it was not timely filed pursuant to the Federal Rules of Bankruptcy Procedure 8002(a) (the "Dismissal Order").¹⁰ On June 30, 2004, Attorney Lafayette filed a motion for reconsideration of

⁵Trustee's Appendix No. 3, p. 40.

⁶Trustee's Appendix, No. 3, p. 41.

⁷The order to disgorge was issued in *Oyola, Rolon, Daigneault, Caci, Davis and LaFrance*. Trustee's Appendix, No. 3, p. 44.

⁸Trustee's Appendix, No. 4.

⁹Trustee's Appendix, No. 1, Docket No. 126.

¹⁰Trustee's Appendix, No. 5.

the Dismissal Order (the “Reconsideration Motion”).¹¹ Attorney Lafayette alleged that the First Notice of Appeal was not timely filed due in part to newly diagnosed illnesses. On July 8, 2004, the bankruptcy court denied the Reconsideration Motion (the “Reconsideration Order”).¹² On July 19, 2004, Attorney Lafayette filed a Notice of Appeal of the Reconsideration Order (the “Second Notice of Appeal”) which is the subject of the present appeal.¹³

IV. ARGUMENT

Whether the bankruptcy court’s order of July 8, 2004 denying the late filing of an appeal was an abuse of discretion given that the late filing was not caused by excusable neglect.

A notice of appeal must be filed within 10 days of the date of the entry of the judgment, order, or decree. Fed. R. Bankr. P. 8002(a). A request to extend the time for filing a notice of appeal must be made by written motion filed before the time for filing a notice of appeal has expired except that such a motion filed not later than 20 days after the expiration of the time for filing a notice of appeal may be granted upon a showing of *excusable neglect* [*emph. added*]. Fed. R. Bankr. P. 8002(c)(2).

Determination of whether neglect is excusable is an equitable one taking into account all relevant circumstances surrounding the parties omission. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 396 (1993). “These include...the danger of prejudice to the debtor, the length of the delay and its potential impact of judicial proceedings, the reason for the

¹¹Trustee’s Appendix, No. 1, Docket No. 131.

¹²Trustee’s Appendix, No. 6.

¹³Trustee’s Appendix, No. 1, Docket No. 137.

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3. Memorandum of Decision dated June 10, 2004
4. Order dated June 10, 2004
5. Dismissal Order dated June 29, 2004
6. Order Denying Motion for Reconsideration Dated July 8, 2004
7. Memorandum of Decision dated July 8, 2004

No. 1

DISMISSED, NOCLOSE, APPEAL

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Bankruptcy Petition #: 03-40074**

Assigned to: Judge Henry J. Boroff
Chapter 13
Voluntary
Asset

Date Filed: 01/06/2003
Date Dismissed: 05/07/2004

Mark Bennett
109 Denver Street
Springfield, MA 01109
SSN: xxx-xx-8319
Debtor

represented by **Francis Lafayette**
PO Box 1020
Palmer, MA 01069
(413) 283-7785
Email: francislafayettejd@onebox.com

Angela D. Bennett
109 Denver Street
Springfield, MA 01109
SSN: xxx-xx-9243
Debtor

represented by **Francis Lafayette**
(See above for address)

aka
Angela D. Poole

Richard King
Office of US. Trustee
446 Main Street
14th Floor
Worcester, MA 01608
Assistant U.S. Trustee

Denise M. Pappalardo
P. O. Box 16607
Worcester, MA 01601
508-791-3300
Trustee

Filing Date	#	Docket Text
01/06/2003	<u>1</u>	Voluntary Chapter 13 Petition (Filing Fee \$ 185.00 receipt # 506736) all schedules and statements. (jud) (Entered: 01/07/2003)
01/06/2003		Matrix. (jud) (Entered: 01/07/2003)
01/06/2003	2	Disclosure of Compensation filed by Attorney Francis Lafayette for the Debtor in the amount of \$ 3,000.00. (jud) (Entered: 01/07/2003)

01/06/2003	<u>3</u>	Chapter 13 Plan with Certificate of Service. (jud) (Entered: 01/07/2003)
01/06/2003		First Meeting of Creditors scheduled For 1:00 pm 2/5/03 At Banknorth Center, Rm 515 Confirmation Hearing Set For 1:00 pm 2/5/03 At Banknorth Center, Rm 515 ;Proofs of Claim due on 4:30 pm 5/6/03 ;Proof of Claim (gov. units only) Deadline: 7/7/03 Notice to be mailed within two weeks. (jud) (Entered: 01/07/2003)
01/06/2003	<u>4</u>	Debtors' Motion For Extension of Chapter 13 Plan Payment Period . c/s (ps) (Entered: 01/07/2003)
01/13/2003	<u>5</u>	Court's Notice of the First Meeting being sent to the Bankruptcy Noticing Center. (auto) (Entered: 01/13/2003)
01/16/2003	<u>6</u>	First Meeting Certificate of Mailing. (auto) (Entered: 01/16/2003)
01/21/2003	<u>7</u>	ENDORSEMENT ORDER: Regarding [4-1] Debtor's Motion For Extension of Chapter 13 Plan Payment Period . ALLOWED. NO RESPONSES FILED. (ps) (Entered: 01/22/2003)
01/30/2003	<u>8</u>	Certificate Of Service By Francis Lafayette for Debtors Of First Meeting. (ps) (Entered: 01/31/2003)
01/30/2003	<u>11</u>	Notice of Appearance And Request For Service Of Notice By Richard T. Mulligan for Creditor Chase Manhattan Mortgage Corporation. (lc) (Entered: 03/06/2003)
02/12/2003		First Meeting Held and Examination of Debtor. (mjl) (Entered: 02/26/2003)
02/21/2003	<u>9</u>	Objection By Chase Manhattan Mortgage Corporation To Confirmation Of [3-1] Debtors' Chapter 13 Plan. c/s (ps) (Entered: 02/25/2003)
02/27/2003		Hearing Re: [9-1] Objection to Confirmation of Plan by Chase Manhattan Mortgage Corporation Set For 10:30 3/10/03 at Springfield Court (ab) (Entered: 02/27/2003)
03/04/2003	<u>10</u>	Certificate Of Service By Chase Manhattan Mortgage Corporation Of Hearing Re: [9-1] Objection to Confirmation of Plan by Chase Manhattan Mortgage Corporation (ps) (Entered: 03/05/2003)
03/10/2003		Hearing Held Re: [9-1] Confirmation of Plan Objection by Chase Manhattan Mortgage Corporation. (ps) (Entered: 03/11/2003)

03/10/2003	<u>12</u>	ORDER: Regarding [9-1] Confirmation of Plan Objection by Chase Manhattan Mortgage Corporation . SUSTAINED. THE DEBTORS ARE ORDERED TO FILE AN AMENDED PLAN WITHIN 30 DAYS. (ps) (Entered: 03/11/2003)
03/14/2003	<u>13</u>	Motion by Trustee For Order Requiring Counsel to Disgorge Retainer . c/s (sas) (Entered: 03/15/2003)
03/14/2003	<u>14</u>	Objection to Exemptions By Trustee. c/s (sas) (Entered: 03/15/2003)
03/18/2003	<u>15</u>	Motion By Debtor To Extend Time For Filing Answer To Motion by Trustee For Order Requiring Counsel to Disgorge Retainer and Disallow Compensation . Expedited Determination Requested . c/s (ab) (Entered: 03/18/2003)
03/18/2003	<u>16</u>	ENDORSEMENT ORDER: Regarding [15-2] Motion for Expedited Determination Requested by Debtors Regarding [15-1] Motion To Extend Time For Filing Answer To Motion by Trustee For Order Requiring Counsel to Disgorge Retainer and Disallow Compensation by Debtors . ALLOWED. THE DEADLINE FOR THE HEREIN MOVANT TO ANSWER THE CHAPTER 13 TRUSTEE'S MOTION FOR ORDER REQUIRING COUNSEL TO DISGORGE RETAINER IS HEREBY AMENDED TO 4/11/03. (ps) (Entered: 03/24/2003)
03/28/2003		Hearing Re: [14-1] Objection to Debtors' Exemptions by Trustee Set For 9:30 am on 4/16/03 at Springfield Court . (ps) (Entered: 03/28/2003)
04/01/2003	<u>17</u>	Certificate Of Service By Trustee Of Hearing Re: [14-1] Objection to Debtors' Exemptions. (ps) (Entered: 04/04/2003)
04/02/2003	<u>18</u>	Motion Of The Chapter 13 Trustee For Order Dismissing Case . c/s (ps) (Entered: 04/04/2003)
04/16/2003	<u>19</u>	Motion By Counsel To Allow Late Answer (From April 11, 2003 To April 16, 2003)To Chapter 13 Trustee's Motion For Order Requiring Counsel To Disgorge Retainer. c/s Entered on 4/16/03(ps ,) (Entered: 04/16/2003)
04/16/2003	<u>20</u>	Response (To: <u>13</u> Motion by Chapter 13 Trustee for Order Requiring Counsel to Disgorge Retainer. c/s Entered on 4/16/03 (ps ,) (Entered: 04/16/2003)
04/16/2003		Hearing Held RE: #14 Objection of Chapter 13 Trustee To Debtors' Exemptions. (ps ,) (Entered: 04/17/2003)

04/16/2003	<u>21</u>	Order Re: <u>14</u> Objection to Debtor's Claim of Exemptions filed by Trustee Denise M. Pappalardo. SUSTAINED. THE DEBTOR SHALL FILE AN AMENDED SCHEDULE C WITHIN 7 DAYS. ATTORNEY LAFAYETTE SHALL FILE A FEE APPLICATION IN THIS CASE WITHIN 14 DAYS. (ps ,) (Entered: 04/17/2003)
04/16/2003	<u>23</u>	Order to Show Cause RE: <u>12</u> Order RE: <u>9</u> Objection to Confirmation of the Plan filed by Creditor Chase Manhattan Mortgage Corporation. Show Cause hearing to be held on 5/14/2003 at 11:30 AM at Springfield Courtroom - HJB. (ps ,) (Entered: 04/18/2003)
04/18/2003	<u>22</u>	ENDORSED Order Re: [Motion By Counsel To Allow Late Answer (From April 11, 2003 To April 16, 2003)To Chapter 13 Trustee's Motion For Order Requiring Counsel To Disgorge Retainer. ALLOWED. A HEARING ON THE MATTER IS HEREBY SCHEDULED FOR MAY 14, 2003 AT 11:30AM IN SPRINGFIELD. (ps ,) (Entered: 04/18/2003)
04/18/2003		Hearing scheduled for 5/14/2003 at 11:30 AM Springfield Courtroom - HJB RE: <u>19</u> Motion By Counsel To Allow Late Answer (From April 11, 2003 To April 16, 2003)To Chapter 13 Trustee's Motion For Order Requiring Counsel To Disgorge Retainer. (ps ,) (Entered: 04/18/2003)
04/22/2003	<u>24</u>	Opposition by Debtors Angela D. Bennett and Mark Bennett Re: <u>18</u> Motion to Dismiss Case filed by Trustee Denise M. Pappalardo. c/s (sas) (Entered: 04/23/2003)
04/22/2003	<u>25</u>	Motion to Amend Schedule C Re: <u>1</u> Voluntary Petition Filed by Debtors Angela D. Bennett and Mark Bennett. c/s (sas) (Entered: 04/23/2003)
04/22/2003	<u>26</u>	Amended Schedule C Re: <u>1</u> Voluntary Petition Filed by Debtors Angela D. Bennett and Mark Bennett. (sas) (Entered: 04/23/2003)
04/25/2003	<u>27</u>	Hearing scheduled for 5/14/2003 at 11:30 AM Springfield Courtroom - HJB RE: <u>18</u> Motion Of The Chapter 13 Trustee For Order Dismissing Case Dismiss Case. (ps ,) (Entered: 04/25/2003)
04/25/2003	<u>28</u>	Court Certificate of Mailing. RE: <u>27</u> Hearing scheduled for 5/14/2003 at 11:30 AM Springfield Courtroom - HJB RE: <u>18</u> Motion Of The Chapter 13 Trustee For Order Dismissing Case. (ps ,) (Entered: 04/25/2003)
04/29/2003	<u>30</u>	Certificate of Service Re: <u>27</u> Hearing scheduled for 5/14/2003 at 11:30 AM Springfield Courtroom - HJB (ps ,) (Entered: 05/01/2003)

04/30/2003	<u>29</u>	First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney. c/s Filed by Attorney Francis Lafayette (ps ,) (Entered: 04/30/2003)
05/05/2003	<u>31</u>	Hearing scheduled for 5/14/2003 at 11:00 AM Springfield Courtroom - HJB Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney Filed by Attorney Francis Lafayette. (ab) (Entered: 05/05/2003)
05/05/2003	<u>32</u>	Court Certificate of Mailing Re: <u>31</u> Hearing scheduled for 5/14/2003 at 11:00 AM Springfield Courtroom - HJB Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney Filed by Attorney Francis Lafayette. (ab) (Entered: 05/05/2003)
05/14/2003		Hearing Held Re: <u>13</u> Motion For Order Requiring Counsel To Disgorge Retainer. (ab) (Entered: 05/15/2003)
05/14/2003	<u>33</u>	Order Re: <u>13</u> Motion by Trustee For Order Requiring Counsel to Disgorge Retainer. CONTINUED TO 6/11/03 AT 11:30AM AT SPRINGFIELD. (ab) (Entered: 05/15/2003)
05/14/2003		Hearing Held RE: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney Filed by Attorney Francis Lafayette and <u>18</u> Motion to Dismiss Case filed by Trustee Denise M. Pappalardo. (ab) (Entered: 05/15/2003)
05/14/2003	<u>34</u>	Order Re: <u>23</u> Order for the Debtors/Counsel to Show Cause why this case should not be Dismissed and/or Sanctions imposed for their failure to comply with this court's Order of 3/20/03. CONTINUED TO 6/11/03 AT 11:30AM AT SPRINGFIELD. (ab) (Entered: 05/15/2003)
05/14/2003	<u>35</u>	Order Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney. c/s Filed by Attorney Francis Lafayette. CONTINUED TO 6/11/03 @ 11:30 AM AT SPRINGFIELD DEBTOR'S COUNSEL TO NOTICE ALL CREDITORS FORTHWITH. (ab) (Entered: 05/15/2003)
05/15/2003		Hearing scheduled for 6/11/2003 at 11:30 AM Springfield Courtroom - HJB Re: <u>13</u> Motion by Trustee For Order Requiring Counsel to Disgorge Retainer.(ab) (Entered: 05/15/2003)

05/15/2003		Show Cause hearing Continued on 6/11/2003 at 11:30 AM at Springfield Courtroom - HJB. re: 23 Order for the debtors/Counsel to Show Cause why this case should not be Dismissed and/or Sanctions imposed for their failure to comply with this court's Order of March 10, 2003. (ab) (Entered: 05/15/2003)
05/15/2003		Hearing scheduled for 6/11/2003 at 11:30 AM Springfield Courtroom - HJB RE: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney Filed by Attorney Francis Lafayette. (ab) (Entered: 05/15/2003)
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05/15/2003		Hearing scheduled for 6/11/2003 at 11:30 AM Springfield Courtroom - HJB Re: <u>18</u> Motion to Dismiss Case filed by Trustee Denise M. Pappalardo. (ab) (Entered: 05/15/2003)
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05/27/2003	<u>38</u>	Endorsed Order Granting <u>25</u> Motion to Amend Schedule C Filed by Debtors Angela D. Bennett and Mark Bennett. ALLOWED. NO OBJECTION FILED. (ab) (Entered: 05/28/2003)
05/29/2003	<u>39</u>	Certificate of Service Re: Hearing on : <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney CONTINUED TO 6/11/03 @ 11:30 AM AT SPRINGFIELD. (yms) (Entered: 05/29/2003)
05/30/2003	<u>40</u>	BNC Certificate of Mailing - PDF Document. Service Date 05/30/2003. (Related Doc # <u>38</u>) (Admin.) (Entered: 05/31/2003)
06/02/2003	<u>41</u>	Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA. Receipt Number 511129, Fee Amount \$75, Filed by Creditor Deutsche Bank National Trust Company. Objections due by 6/16/2003. c/s (ab) (Entered: 06/04/2003)

06/09/2003	<u>43</u>	Objection by Trustee Denise M. Pappalardo Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney. c/s (ab) (Entered: 06/11/2003)
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06/11/2003	<u>44</u>	Order Re: <u>18</u> Motion Of The Chapter 13 Trustee For Order Dismissing Case. CONTINUED TO AUGUST 20, 2003 AT 10:30 A.M. AT SPRINGFIELD. (ab) (Entered: 06/12/2003)
06/11/2003		Hearing Held RE: <u>9</u> Objection to Confirmation of the Plan filed by Creditor Chase Manhattan Mortgage Corporation. (ab) (Entered: 06/16/2003)
06/11/2003	<u>45</u>	Order Re: <u>23</u> Order for the Debtors/Counsel to Show Cause why this case should not be Dismissed and/or Sanctions imposed for their failure to comply with this court's Order of 3/20/03. DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS: THE DEBTORS ARE ORDERED TO FILE: (1) ON OR BEFORE 08/01/03 ALL OUTSTANDING TAX RETURNS (2) ON OR BEFORE 06/30/03 ANY PLEADINGS DESIGNED TO LIQUIDATE THE CLAIM OF THE CITY OF SPRINGFIELD. THE COURT RESERVES THE ISSUE OF THE DEBTORS' UNTIMELINESS IN REQUESTING THE FOREGOING EXTENSION. (ab) (Entered: 06/16/2003)
06/12/2003		Hearing scheduled for 8/22/2003 at 10:30 AM Springfield Courtroom - HJB Re: <u>18</u> Motion to Dismiss Case filed by Trustee Denise M. Pappalardo. (ab) (Entered: 06/12/2003)
06/18/2003	<u>46</u>	Order Granting <u>41</u> Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. (ab) (Entered: 06/18/2003)
06/20/2003	<u>47</u>	BNC Certificate of Mailing - PDF Document. Service Date 06/20/2003. (Related Doc # 46) (Admin.) (Entered: 06/21/2003)
06/24/2003	<u>48</u>	Case Management Order Regarding <u>29</u> Application For Compensation Filed by Francis Lafayette. Entered on 6/24/2003. (sas) (Entered: 06/24/2003)
06/24/2003		Evidentiary Hearing Scheduled for 7/22/2003 at 01:00 PM Worcester Courtroom 4 - HJB RE: <u>29</u> Application for Compensation Filed by

		Francis Lafayette. (sas) (Entered: 06/24/2003)
07/02/2003	<u>49</u>	Motion to Enlarge time to file pleading designed to liquidate the Claim of the City of Springfield Filed by Debtors Angela D. Bennett and Mark Bennett. (Expedited Determination Requested). c/s (ab) (Entered: 07/02/2003)
07/02/2003	<u>50</u>	Motion to Compel City of Springfield, Massachusetts to file a Proof of Claim Filed by Debtors Angela D. Bennett and Mark Bennett. (Expedited hearing requested). (ab) (Entered: 07/02/2003)
07/08/2003	<u>51</u>	Motion For Reconsideration of <u>46</u> Order Granting <u>41</u> Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. c/s (ab) (Entered: 07/09/2003)
07/08/2003	<u>52</u>	Opposition by Debtors Angela D. Bennett and Mark Bennett To: <u>41</u> Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. (ab) (Entered: 07/09/2003)
07/08/2003	<u>53</u>	Endorsed Order Regarding <u>49</u> Motion to Enlarge Time to File Pleading Designed to Liquidate the claim of the City of Springfield Filed by Francis Lafayette. A HEARING ON THE MATTER IS HEREBY SCHEDULED FOR 7/30/03. EXPEDITED DETERMINATION DENIED FOR INSUFFICIENT GROUNDS. Entered on 7/8/2003. (sas) (Entered: 07/14/2003)
07/08/2003	<u>54</u>	Endorsed Order Regarding <u>50</u> Motion to Compel City of Springfield, Massachusetts to file a Proof of Claim Filed by Debtors Angela D. Bennett and Mark Bennett. (sas) (Entered: 07/14/2003)
07/14/2003		Hearing Scheduled for 7/30/2003 at 10:00 AM Springfield Courtroom - HJB RE: <u>49</u> Motion to Enlarge Time to File Pleading Designed to Liquidate the claim of the City of Springfield filed by Francis Lafayette. (sas) (Entered: 07/14/2003)
07/14/2003		Hearing Scheduled for 7/30/2003 at 10:00 AM Springfield Courtroom - HJB RE: <u>50</u> Motion to Compel City of Springfield, Massachusetts to file a Proof of Claim Filed by Debtors Angela D. Bennett and Mark Bennett. (sas) (Entered: 07/14/2003)
07/16/2003	<u>55</u>	Motion to Continue Hearing Re: Evidentiary Hearing Scheduled for 7/22/2003 at 01:00 PM Filed by Debtor's Counsel Francis Lafayette. c/s (Expedited Determination Requested.) (ps ,) (Entered: 07/16/2003)

07/17/2003	<u>58</u>	Opposition by Creditor Deutsche Bank National Trust Company Re: <u>51</u> Motion to Reconsider filed by Debtor Mark Bennett and Debtor Angela D. Bennett. c/s (ab) (Entered: 07/18/2003)
07/18/2003	<u>56</u>	Emergency Second Motion to Continue Hearing Re: <u>29</u> Application for Compensation Filed by Debtor;s counsel Atty. Francis Lafayette. (yms) (Entered: 07/18/2003)
07/18/2003	<u>57</u>	Endorsed Order Regarding <u>56</u> Motion To Reschedule Proceedings On <u>29</u> Application for Compensation. DENIED. (ds) (Entered: 07/18/2003)
07/18/2003	<u>59</u>	Pre-Trial Memorandum Filed by Interested Party United States Trustee Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney; Memorandum of Receipts and Disbursements Statement of Attorney. (ab) (Entered: 07/21/2003)
07/22/2003	<u>114</u>	Motion to Impound So Much of the Files that Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. c/s (Filed in Open Court) (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>115</u>	Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. c/s (Filed in Open Court) (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney Filed by Attorney Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>114</u> Motion to Impound So Much of the Files that Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003		Hearing Held Re: <u>115</u> Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>116</u>	Order Dated 7/22/03 Regarding <u>29</u> First Itemized Fee Application for Compensation and for Reimbursement of Expenses to Debtor's Attorney Filed by Attorney Francis Lafayette. TAKEN UNDER ADVISEMENT. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>117</u>	Order Dated 7/22/03 Regarding <u>114</u> Motion to Impound So Much of the Files that Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. DENIED. (sas, usbc) (Entered: 06/07/2004)

07/22/2003	<u>118</u>	Order Dated 7/22/03 Regarding <u>115</u> Motion to Present Newly Discovered Evidence Related to Counsel Physical/Dental Health Issues Filed by Francis Lafayette. DENIED. (sas, usbc) (Entered: 06/07/2004)
07/22/2003	<u>119</u>	Order Dated 7/22/03 Regarding <u>48</u> Case Management Order of June 24, 2003. TAKEN UNDER ADVISEMENT. (sas, usbc) (Entered: 06/09/2004)
07/23/2003	<u>60</u>	Hearing scheduled for 7/31/2003 at 09:00 AM Springfield Courtroom Re: <u>51</u> Motion For Reconsideration of <u>46</u> Order Granting <u>41</u> Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. (ab) (Entered: 07/23/2003)
07/25/2003	<u>61</u>	Certificate of Service Re : <u>60</u> Hearing Scheduled, Filed by Creditor Deutsche Bank National Trust Company. (ps ,) (Entered: 07/29/2003)
07/30/2003		Hearing Held RE: <u>50</u> Motion to Compel City of Springfield, Massachusetts to file a Proof of Claim Filed by Debtors Angela D. Bennett and Mark Bennett. (ab) (Entered: 07/31/2003)
07/30/2003	<u>62</u>	Order Re: <u>50</u> Motion to Compel City of Springfield, Massachusetts to file a Proof of Claim Filed by Debtors Angela D. Bennett and Mark Bennett. WITHDRAWN. (ab) (Entered: 07/31/2003)
07/31/2003		Hearing Held Re: <u>51</u> Motion For Reconsideration of <u>46</u> Order Granting <u>41</u> Motion for Relief from Stay Re: 109 Denver Street, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. (ab) (Entered: 08/21/2003)
07/31/2003	<u>65</u>	Order Granting <u>51</u> Motion For Reconsideration of <u>46</u> Order Granting <u>41</u> Relief from Stay Re: 109 Denver St, Springfield, MA Filed by Creditor Deutsche Bank National Trust Company. GRANTED; THE DEBTORS ARE ORDERED TO BECOME CURRENT ON ALL POST-PETITION PAYMENTS ON OR BEFORE AUGUST 6, 2003. DEBTOR'S COUNSEL IS ORDERED TO FILE AN UPDATED FEE APPLICATION ON OR BEFORE 8/15/03. (ab) (Entered: 08/21/2003)
08/02/2003	<u>63</u>	BNC Certificate of Mailing - PDF Document. Service Date 08/02/2003. (Related Doc # <u>62</u>) (Admin.) (Entered: 08/04/2003)
08/20/2003		Hearing Held Re: <u>18</u> Motion Of The Chapter 13 Trustee For Order Dismissing Case. (ab) (Entered: 08/21/2003)